

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
September 12, 2006**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Bill Lloyd and Dave Aune, Great West Engineering; Jan Anderson, *Boulder Monitor/Jefferson County Courier*

CALENDAR REVIEW

- 9/12 Library interviews - 5:30
JLDC annual meeting - 6:00
- 9/14 Meet with Bob Kiesling - 4:00
Library Board - 6:00
- 9/18 Meeting with JLDC and Boulder mayor - 2:30

COMMISSION REPORTS

CONTRACT POSITION

Commissioner Lythgoe stated that the person he had in mind for the consultation position got a job elsewhere. However he did put the Commission in contact with a law firm that he is interested in talking with. The firm is extremely involved with the Forest Service and extremely involved and knowledgeable regarding the mining industry. He stated that he discuss this with Matt, who feels this is an excellent idea. The dollar amount he discussed with his choice, the law firm is comfortable with. The Commission will not just deal with one person, but rather with a team. They need to sit down with the firm and discuss this. Commissioner Notbohm asked, in all fairness, if they need to get another opinion. Commissioner Lythgoe stated that they need to sit down and discuss this first. According to Matt and others, this firm is by far the most knowledgeable in the area. Commissioner Notbohm mentioned a Mr. Fitzpatrick, someone who had worked for Pegasus and Ash Grove. Commissioner Lythgoe stated that Mr. Fitzpatrick is very bright and knowledgeable, but he is working elsewhere. Commissioner Lythgoe stated that he will contact the law firm and set up a meeting.

FOREST SERVICE ROADS

Commissioner Weber reported that he met with Terry Sexton the previous day. Terry would like

to get together with the Commission and drive the roads. Terry claims that no one in his agency has had to deal with RS2477; they are in the midst of their travel plan and would like to work on this with the Commission.

CLOSED ROAD

Commissioner Weber stated that the following Monday he will meet with the Johns regarding gates on Lower Whitetail Road. They also want to discuss moving the road.

ADOPTING ROADS WITHIN THE FOREST SERVICE

Commissioner Lythgoe stated that he spoke with someone who feels that the Commission is shooting itself in the foot to blindly adopt roads. Commissioner Notbohm stated that they need a starting point; it doesn't mean that the Commission and the Forest Service can't agree on some roads. Commissioner Weber stated that his issue is having to individually list all of the roads. Commissioner Notbohm stated that the Forest Service has numbered roads that he feels are the County's; this could really muck up the process. Commissioner Weber stated that they are going to have to start narrowing down the list at some point.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

GREAT WEST ENGINEERING - PROPOSED NORTH END CENTRAL SEWER SYSTEM

Dave Aune stated that Great West was requested to present a task order and scope of work for a central sewer system for northern Jefferson County. He stated that the scope of work would cover four tasks, a work session to determine the goals and area, agency requirements, a preliminary engineering report and public meetings. Commissioner Weber stated that it is his understanding that the Commission can't run a waste-water system; a district needs to be set up. Dave stated that a district is more efficient. Commissioner Weber asked at what point they go from the County trying to do this and hand it over to the district. Dave stated that before any grant applications are submitted, a district needs to be formed to receive the money. The County can get some grants, but not TSEP.

Commissioner Lythgoe asked if there should be a public meeting up front. Dave stated that they can have a kick-off public meeting. Commissioner Lythgoe stated that it would make sense, before they pursue this very far, to have a public meeting to see if people are at all interested in this. They need to have a public meeting up front to scope the support. Dave stated that this is why he broke out the kick-off session and public meeting portion. They will discuss strategy, then send out a newsletter with a map and information so that people will have all of the information up front.

Commissioner Lythgoe asked if they did an up-front public meeting in Seeley, and what the response was with the personal invitation. Dave stated that they did a kick-off work session to discuss strategy. They developed a mailing list of those within the boundary, then sent out a newsletter to all on the list with information about the project. They then held a public meeting. A community council did a study, and 50% of the people were interested in getting more information. He also noted that there were people at the initial meeting that felt a central sewer system was not necessary, but there has been some turnaround in opinion as the project progresses.

Commissioner Notbohm asked if they have any idea of the potential in the area. Commissioner Lythgoe stated that they already have a very preliminary map. Commissioner Notbohm asked how many homes would be included. Dave answered that there would be about 400. Commissioner Lythgoe stated that this would cover a pretty significant area.

Commissioner Weber asked if there could be multiple projects going with the TSEP program. Bill stated that they can't submit more than one application per two-year cycle. A water and sewer district can apply at the same time as the county, however. Dave stated that this is part of deciding the approach of when to form the district. They are starting early enough that they may have time next summer to form a district before the May 2008 application deadline. Harold stated that what he is hearing is that it is best to get people on board up front. It would be best to form the district and free up the county.

Commissioner Lythgoe asked if the fees associated with forming the district can be reimbursed through the grant. Dave stated that he is not sure; the planning money gets used up fast and then they sit and wait. Commissioner Lythgoe how much it would cost to get to the public meeting. Dave stated it would be \$2,500.00, plus mailing costs for preliminary planning and the public meeting. Commissioner Lythgoe asked if they will have enough information for people to consider the merits of the project. Dave stated that, at this point, it is still a generic process, with the issues, funding available and map of the proposed area. Commissioner Lythgoe stated that he feels that it is entirely appropriate to come up with \$3,000 to \$4,000 to get to the first meeting.

Commissioner Lythgoe moved to use metal mines monies, up to \$4,000, for the purpose of planning and implementing a public meeting as it relates to the Montana City wastewater project. Commissioner Weber seconded.

Commissioner Notbohm asked about a time frame. Dave stated they could meet with the Commission in October, then it would take about a month to put together the information. They will shoot for a meeting before Thanksgiving. The motion carried. Commissioner Lythgoe asked Dan to please draft a letter that he can sign with \$4000 for the project.

Public hearing-discuss acceptance of South Hills drive as a County road

Commissioner Lythgoe called the public hearing to order and called for comments. Commissioner Weber stated that he feels the it is appropriate and within the rights of the Commission to do. This is a public highway. Hearing no further comments, Commissioner Lythgoe close the public hearing.

RESOLUTION 29-2006 ACCEPTANCE OF SOUTH HILLS DRIVE AS A COUNTY ROAD

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 29-2006

ACCEPTANCE OF SOUTH HILLS DRIVE AS A COUNTY ROAD

WHEREAS, Jefferson County adopted Resolution 28-2006, creating a rural special improvement district which shall obtain taxable dollars from district taxpayers for the improvement of South Hills Drive; and

WHEREAS, South Hills Drive is a road that is dedicated for public use within Jefferson County and MCA 7-14-2101 permits adoption of such a road as a county road; and

WHEREAS, notice and a public hearing were provided for this resolution on this date,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Jefferson County Commissioners hereby adopt South Hills Drive, located within Jefferson County and further described with the attached map as a “Maintained County Road”.

DATED this 12th day of September, 2006.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Lythgoe moved to adopt a resolution. Commissioner Weber seconded. The motion carried.

Bill Lloyd, Great West engineering, stated that the previous day the TSEP review commission met regarding the bridge applications. Eleven applications were presented, and Jefferson County fared well. The next two days, they will be ranking the water and sewer applications. Jefferson County is in a good position at this point, being tied for third at this time.

Bill stated that he spoke with Mae Nan regarding reimbursable costs for the RID. In the resolution that was adopted for the RID, it was outlined that these costs are reimbursable when the bonds are issued.

Bill presented task order number seven which provides for a RID for saddle Mountain 1 2 and 3 and Sawmill. He looked at what was done on South Hills. This is a larger area but the

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groundwork has been done. This project is more complex and the assessments will vary substantially to do this fairly. Bill filled that they may need to go to a public hearing before they get too far. Commissioner Notbohm stated that they may want to meet with the people more individually. Bill stated that it would be a good idea to do a kickoff with everyone, but they may need to meet with smaller groups at some point. He ask if the scope is too broad and not what they're looking for. Commissioner oh is go stated that this is what they're looking for. Since South Hills road RIT has happened, he has gotten calls from others that are interested. He sees that's being very successful. Commissioner Weber noted that this was the grand vision of the commission. Commissioner Notbohm stated that one thing he is concerned about is that it would be nice to have the first project done to serve as an example. Commissioner Lythgoe stated that the commission was being approached by saddle Mountain three the four South Hills was even finished. Commissioner Weber stated that he tends to agree with Commissioner in the Notbohm, but they are being pushed go ahead.

Commissioner Lythgoe asked if all costs are reimbursable. Bill stated that it has to be written in the resolution but all cost are allowable. He noted that the Commission can also do a separate resolution of reimbursement. He stated that they can do cost estimates upfront or wait for in-depth property ownership research until later. Commissioner Lythgoe asked, for administration purposes, is it better to have one large RID or several smaller. Bill stated that they could do all separately because of the variety of assessments, but it might make sense administratively to have a larger area. He noted also that it can save money to do all of the projects at once, rather than breaking them up.

Bill stated that regarding the CDBG-ED application, the review committee is struggling with how this will affect economic development. They would like to see a specific industry targeted, such as mining. Bill stated that he will talk to Carol to see how she would like to see this tailored. He is disappointed, because they had a kickoff meeting and discussed what they could do, what was allowable, and how to submit the application. Because this is a difficult grant to get, money is not flying out. The Commissioners discussed areas all throughout the county that are affected by mining, clean up, and exploration. Bill stated that he feels better after hearing this.

RESOLUTION 26-2006 AMEND RESOLUTION 10-1999 REORGANIZATION OF THE SOLID WASTE BOARD

Commissioner Weber read the resolution as follows:

RESOLUTION 26-2006

**A RESOLUTION AMENDING RESOLUTION 10-1996
A RESOLUTION PROVIDING FOR REORGANIZATION OF THE
JEFFERSON COUNTY SOLID WASTE BOARD**

WHEREAS, the Board of County Commissioners may reorganize administrative boards, districts and commissions pursuant to §7-1-201, MCA; and

WHEREAS, on January 8th, 1973, the Jefferson County Board of County Commissioners
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created by resolution, a solid waste refuse district encompassing all of Jefferson County and subsequently in Resolution 2-82 dated January 6, 1982, Resolution 9-82 dated March 24, 1982 and Resolution 10-96 dated January 1996, organized a board to manage the solid waste district; and

WHEREAS, the Board of County Commissioners has determined it is appropriate and desirable to provide the Solid Waste Board with clarification as the organization, membership, terms, authority, rules and responsibilities of the Solid Waste Board, setting forth the same pursuant to §7-1-201, and §7-13-214, MCA.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1) That the Solid Waste Board shall now consist of six (6) members, one (1) County Commissioner; one (1) member from each incorporated city (Whitehall and Boulder); and three (3) members to be selected from throughout the County to reflect as equal a representation as possible.
- 2) The terms of Solid Waste Board members shall commence on the 1st day of February. The members shall serve staggered three (3) year terms on the Board so that no more than two (2) terms expire in any given year, except that the County Commissioner's term shall be at the discretion of the Board of County Commissioners.
- 3) Pursuant to §7-1-201 (7), MCA, all citizen appointees on the Solid Waste Board shall serve at the discretion of the County Commissioners and may be removed by a majority vote of the County Commissioners.
- 4) The Solid Waste Board shall set a regularly scheduled monthly meeting day and time and shall meet not less than six times per year. If there is no business to come before the Board, the Chair may cancel the regularly scheduled meeting at his or her discretion with at least forty-eight (48) hours public notice. Similarly, special meetings may be scheduled per County policy.
- 5) Board members shall be entitled to mileage and expenses in accordance with established state rates for attendance at Board meetings and conducting official Board business.
- 6) Pursuant to §7-13-215, MCA, the Solid Waste Board of Directors shall exercise powers and duties as set forth in §75-10-112, MCA, provided, however, that fees and charges must be implemented according to §7-13-231, MCA, and §7-13-232, MCA. Board decisions concerning the following actions shall not take effect until approved by the Board of Commissioners:
 - a) the determination of wages and salaries to be paid to employees of the Solid Waste District;

- b) The acquisition by lease, purchase, or otherwise, and the disposition by lease, purchase or otherwise, of real property by the Solid Waste District, or operation equipment in excess of \$2,500.00, not previously approved in the budget process;
 - c) Entrance into interlocal government agreements or contracts for servicing and financing.
- 7) The Solid Waste Board shall elect officers and may adopt by-laws as long as they do not conflict with county policies and procedures.
- 8) The County Commission, or its agent(s) shall conduct all union negotiations on behalf of the County.
- 9) The Solid Waste Board may, upon approval of the County Commission, employ a secretary to the board, a manager and such other employees or contract for such other services as required for the discharge of the duties and responsibilities listed above or specified in Montana State Statute. The Solid Waste Board shall be responsible for the supervision of its staff and, at its discretion, may designate certain of its staff to supervise others on the staff. The County Commissioners reserve authority to hear appeals and/or overturn any decisions.
- 10) Solid Waste Board employees shall be subject to all personnel policies as adopted by the County Commission. Additional policies may be adopted by the Solid Waste Board specific to its operation, provided they do not conflict with those in effect for the entire County.
- 11) The Solid Waste Board shall prepare and administer a budget for the Solid Waste District by no budget shall be considered final unless it has been adopted by the Board of Commissioners after public hearing and budget adoption.
- 12) The Solid Waste Board shall provide to the Board of County Commissioners a register of membership with addresses and phone numbers, including a designation of officers, and dates, times and places of regularly scheduled meetings. The chair shall assure that, no less than forty-eight (48) hours prior to each meeting, an agenda has been posted at each designated public posting place within the County. Minutes of each meeting shall be filed with the Clerk and Recorder.
- 13) All purchases of equipment or services or sale of equipment or services by the Jefferson County Solid Waste District will be done following the County's Purchasing Policy.

DATED this 12th day of September, 2006.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

RESOLUTION 30-2006 ADOPT FINAL BUDGET AND FIX TAX LEVIES

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 30-2006

ADOPT FINAL BUDGET

AND

FIX TAX LEVIES FOR JEFFERSON COUNTY

FISCAL YEAR 2006-2007

WHEREAS, the Board of County Commissioners of Jefferson County, Montana, has compiled and reviewed the proposed budgets for fiscal year 2006-2007 as required by law; and,

WHEREAS, the value of a mill has been determined as \$20,940 county-wide and a value of \$19,233 outside the city limits, with other values as stated and certified by the Department of Revenue of the State of Montana,

NOW, THEREFORE, BE IT RESOLVED that the final budgets for fiscal year 2006-2007, which budget document is on file in the Clerk and Recorder's office, is approved and adopted and is, by this reference, incorporated herein; and

BE IT FURTHER RESOLVED that the Board does hereby fix the following levies to fund said budgets:

GENERAL	22.02
ROAD	16.28
BRIDGE	5.00

WEED	5.10
FAIR	1.29
DISTRICT COURT	4.28
LIBRARY	12.30
PLANNING BOARD	1.60
HEALTH AND SANITATION	6.23
SENIOR CITIZENS	2.24
PUBLIC SAFETY	43.32
MUSEUM	0.60
EMPLOYEE GROUP HEALTH	3.39
ENTITLEMENT LEVY	3.44
SEARCH AND RESCUE	0.00

SPECIAL DISTRICT LEVIES

MOSQUITO #1 - BOULDER	2.34
MOSQUITO #2 - BOULDER VALLEY	9.68
MOSQUITO #3 - WHITEHALL	7.82
JEFFERSON VALLEY RURAL FIRE	14.85
MONTANA CITY FIRE	29.72
JEFFERSON CITY FIRE	21.41
BASIN FIRE	29.61
BULL MOUNTAIN FIRE	27.42
ELK PARK RURAL FIRE	38.78
JEFFERSON VALLEY SOIL & WATER	1.95
BASIN WATER & SEWER	389.56
BASIN IMPROVEMENTS	13.24

CITY LEVIES

TOWN OF BOULDER	167.63
TOWN OF WHITEHALL	95.16

SCHOOL LEVIES

CLANCY #1	130.12
#1-A	122.30
WHITEHALL #4	96.36
BASIN #5	47.31
BOULDER #7	198.92
CARDWELL #16	33.78
WILLOW CREEK #1	94.32
THREE FORKS #26	86.53
MONTANA CITY #27	166.75
MONTANA CITY #27-B	201.86
JEFFERSON HIGH SCHOOL #1	52.79
WHITEHALL HIGH SCHOOL #2	52.25

COUNTY LEVIES

COUNTY GENERAL HIGH SCHOOL	22.00
COUNTY GENERAL ELEMENTARY	33.00
TRANSPORTATION	4.67
ELEMENTARY RETIREMENT	25.10
HIGH SCHOOL RETIREMENT	13.22

SPECIAL ASSESSMENT DISTRICTS

SHEEP PREDATORY ANIMAL (per animal)	\$.60
CLANCY FIRE SERVICE AREA	\$ 55.00
BASIN TV	\$ 20.00
BOULDER TV	\$ 8.00
BOULDER TV-COMMERCIAL	\$ 15.00
WHITEHALL TV	\$ 15.00
SOLID WASTE	\$129.69
LIME KILN RD IMPROVEMENT DIST	\$350.00

BE IT FURTHER RESOLVED that an additional, annual assessment, as provided for in §7-22-2432, MCA, and as approved by the voters of the district on June 2, 1992, is hereby imposed upon the owners of structures and properties within the Boulder Mosquito District #1, as follows:

- (a) \$20.00 per single-unit dwelling;
- (b) \$20.00 per unit in a duplex dwelling;
- (c) \$ 5.00 per unit in a multi-unit dwelling (other than a duplex);
- (d) \$75.00 per commercial establishment;
- (e) \$50.00 on each irrigated parcel of property that does not contain a dwelling;
- (f) \$15.00 on each non-irrigated parcel of property that does not contain a dwelling.

WHEREAS, §7-6-4031, MCA makes provision for the authorization of a designated official to transfer appropriations between items within the same fund; and

WHEREAS, §7-6-4006 (3), MCA makes provision for appropriation adjustments,

NOW, THEREFORE, BE IT RESOLVED that the Clerk and Recorder be designated to make budget transfers and adjustments with the approval of the governing body, and shall submit at minimum quarterly recommended budget transfers and adjustments.

DATED this 12th day of September, effective for Fiscal Year 2006-2007.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Lythgoe moved to adopt a resolution. Commissioner Weber seconded. The motion carried.

Commission Lythgoe stated that he had received e-mails from Bonnie and from the Museum

Board. Bonnie's e-mail indicated that the Museum Board's budget is in the red. Susie Lindsay requested a loan from the Commission of \$10,000 until the Museum Board's cash becomes available. Commissioner Notbohm stated that he spoke with Sherry Carlson and Susie that afternoon. They indicated that a couple of years ago the Museum Board had money left over at the end of the fiscal year and it was taken back as the funds were "use it or lose it". They would like to have cash carry over at the end of the fiscal year. A problem the Museum Board is facing is that they set up displays six months to two years in advance, and they need to pay up front. Commissioner Lythgoe stated that he knows that other accounts are allowed to run in the red and he is confused by this. Commissioner Weber stated that he talked to Bonnie on Friday. The Museum Board has the budget but no cash. They can still pay their bills, but the auditors don't like to see them run in the red. Commissioner Notbohm stated that he will ask Bonnie if they can have a cash carry over so they can build up a reserve. He feels that they can let the Museum Board run in the red for a period of time. Commissioner Weber stated that Bonnie told the Museum Board to submit their claims and they will be paid.

DISCUSS EXPANSION TO COURTHOUSE ANNEX BUILDING

Commissioner Weber asked if there was any news from the Wagner's. Commissioner Lythgoe stated that all he hears around town is that Wagner's business is growing. He stated that what is proposed by Bonnie is not going to work, the use of metal mines money to pay for the expansion. The only thing that they would be able to use the metal mines money for would be to pay off the shop. They could then use the money earmarked for the shop to pay for the expansion. Commissioner Lythgoe stated that he did talk to Great West regarding architectural services and they indicated that they could put together an estimate and do a lot of the work. Commissioner Notbohm asked Jan if she were here before when they built the annex as there will several versions of the expansion presented. Commissioner Lythgoe stated that he feels they need to expand straight out. If the goal is just to expand to accommodate the treasurer's office they don't need to expand a lot. If they are going to address more growth, then they will need a more significant expansion. Commissioner Weber noted that the county could use more storage.

Commissioner Lythgoe said that it would depend on how big the expansion needed to be; if they want their own Commission Chambers with a meeting room, they would need a significant expansion. Commissioner Weber asked if they got the house from Wagner's what would this address of the goal and what would be left to address. Commissioner Lythgoe stated that if buying the house from Wagner's would solve the problem for 10 years, that would be the cheapest solution. Commissioner Weber stated that his suggestion would be to pursue the purchase of the house from Wagner's.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER